THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

W.P.No.10645 of 2007

Dated: 23.05.2007

Between:

JVS Exim Private Limited

.. Petitioner.

And

The Superintendent of Police,
Machilipatnam, Krishna District and others

.. Respondents.

ORDER:

This petition is filed for a writ of mandamus to declare the action of respondent Nos.1 to 6 in interfering arbitrarily and highhandedly with the fishing operation of the seventh respondent society through the Advocate Commissioner, as bad and arbitrary.

In the affidavit filed in support of the writ petition, it is averred that the petitioner, who has an understanding with respondent No.7 society for sale of fish by the latter to it, filed O.S.No.24 of 2007 and the learned Junior Civil Judge, Jaggaiahpet in I.A.No.33 of 2007 granted temporary injunction against respondent No.7 restraining him from catching fish in Sharemahammadpet tank and that if the fish is caught by the said society, the petitioner may be given the same for the market value. The said injunction order was passed on 15.02.2007. It is further averred that at the petitioner's instance, an Advocate Commissioner was appointed on 02.05.2007 and when he went to the tank to execute the warrant on 06.05.2007, respondents 2 to 6 came to the spot and highhandedly took away the fish in 6 lorries.

From the material placed by the petitioner, it is evident that after the said incident, the Court of Junior Civil Judge, Jaggaiahpet issued a direction to the Station House Officer, Chillakallu Police Station on 07.05.2007 to render necessary police assistance to the

Advocate Commissioner for execution of warrant as per the order, dated 02.05.2007, in I.A.No.57 of 2007 in I.A.No.33 of 2007 in O.S.No.24 of 2007.

In view of the fact that the competent civil Court has already passed an appropriate order to the police to give protection to the Advocate Commissioner, I am of the considered opinion that the writ petition filed for the same purpose is wholly misconceived. If the order, dated 15.02.2007, of the civil Court is disobeyed, it is always open to the petitioner to take such measures as are open to it in law.

For the aforesaid reasons mentioned, the writ petition is dismissed. No costs.

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C.V.NAGARJUNA REDDY, J

Date: 23.05.2007

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